

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by adding Section 22-105 and by changing Section 27A-5 as follows:

(105 ILCS 5/22-105 new)

Sec. 22-105. Denial of free education prohibited.

(a) The purpose of this Section is to secure the right of every child to equal access to a free public education and a school that is safe from intimidation and fear, consistent with the landmark United States Supreme Court decision in Plyler v. Doe, 457 U.S. 202 (1982), as in effect on January 1, 2025, which held that it is unconstitutional for states to deny children a free public education based on immigration status. In their efforts to promote the right to educational equality established in Plyler, schools must take steps to protect the integrity of school learning environments for all children, so that no parent is discouraged from sending and no child is discouraged from attending school, including from the threat of immigration enforcement or other law enforcement activity on a school campus.

(b) As used in this Section:

"Citizenship or immigration status" means all matters

regarding citizenship of the United States or any other country or the authority or lack thereof to reside in or otherwise to be present in the United States, including an individual's nationality and country of citizenship.

"Law enforcement agent" means an agent of federal, State, or local law enforcement authorized with the power to arrest or detain individuals or manage the custody of detained individuals for a law enforcement purpose, including civil immigration enforcement. "Law enforcement agent" does not include a school resource officer as defined in Section 10-20.68 of this Code.

"Nonjudicial warrant" means a warrant issued by a federal, State, or local agency authorized with the power to arrest or detain individuals or manage the custody of detained individuals for any law enforcement purpose, including civil immigration enforcement. "Nonjudicial warrant" includes an immigration detainer or civil immigration warrant as defined in the Illinois TRUST Act. "Nonjudicial warrant" does not include a criminal warrant issued upon a judicial determination of probable cause, in compliance with the requirements of the Fourth Amendment to the United States Constitution and Section 6 of Article I of the Illinois Constitution.

"Prevailing party" includes any party:

(1) who obtains some of his or her requested relief through a judicial judgment in his or her favor;

(2) who obtains some of his or her requested relief through a settlement agreement approved by the court; or

(3) whose pursuit of a non-frivolous claim was a catalyst for a unilateral change in position by the opposing party relative to the relief sought.

"School" means every public school, school district, and governing body, including a special charter district or charter school, organized under this Code, and its agents, including a contracted party.

(c) No child may be denied a free public education through secondary school while in this State based on the child's perceived or actual immigration status or the child's parent's or guardian's perceived or actual citizenship or immigration status.

(1) A school must not exclude a child from participation in or deny a child the benefits of any program or activity on the grounds of that child's perceived or actual immigration status or the child's parent's or guardian's actual or perceived citizenship or immigration status.

(2) A school must not use policies or procedures or engage in practices that have the effect of excluding a child from participation in or denying the benefits of any program or activity or the effect of excluding participation of the child's parent or guardian from parental engagement activities or programs because of the

child's perceived or actual immigration status or the child's parent's or guardian's actual or perceived immigration status. These policies, procedures, and practices include:

(A) requesting or collecting information or documentation from a student or the student's parent or guardian about citizenship or immigration status unless required by State or federal law; and

(B) designating immigration status, citizenship, place of birth, nationality, or national origin as directory information, as that term is defined by federal and State law.

(3) A school must not perform any of the following actions:

(A) Threaten to disclose anything related to the actual or perceived citizenship or immigration status of a child or a person associated with the child to any other person or entity or an immigration or law enforcement agency.

(B) Disclose anything related to the perceived citizenship or immigration status of a child or a person associated with the child to any other person or entity or an immigration or law enforcement agency if the school does not have direct knowledge of the child's or associated person's actual citizenship or immigration status, subject to the requirements of

this paragraph (3).

(C) Disclose anything related to the actual citizenship or immigration status of a child or a person associated with the child to any other person or nongovernmental entity if the school has direct knowledge of the child's or associated person's actual citizenship or immigration status, subject to the requirements of this paragraph (3).

Nothing in subparagraphs (B) and (C) of this paragraph (3) may be construed to permit the disclosure of student records or information without complying with State and federal requirements governing the disclosure of such records or information. Subparagraphs (B) and (C) of this paragraph (3) may not be construed to prohibit or restrict an entity from sending to or receiving from the United States Department of Homeland Security or any other federal, State, or local governmental entity information regarding the citizenship or immigration status of an individual under Sections 1373 and 1644 of Title 8 of the United States Code.

(4) A school must develop procedures for reviewing and authorizing requests from law enforcement agents attempting to enter a school or school facility by July 1, 2026. The procedures must comply with the requirements of paragraph (2) of this subsection (c), and, at a minimum, include the following:

(A) procedures for reviewing and contacting a designated authorized person at the school or school facility and the district superintendent's office or school administrative office, who may contact the school's legal counsel, and procedures for that authorized person or legal counsel to review requests to enter a school or school facility, including judicial warrants, nonjudicial warrants, and subpoenas;

(B) procedures for monitoring or accompanying and procedures for documenting all interactions with law enforcement agents while on the school's premises; and

(C) procedures for notifying and seeking consent from a student's parents or guardian or from the student if the student is 18 years old or older or emancipated if a law enforcement agent requests access to a student for immigration enforcement purposes, unless such access is in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the student's parent or guardian.

This paragraph (4) is subject to subsection (c) of Section 22-88 of this Code.

(d) A school shall adopt a policy for complying with paragraphs (1), (2), (3), and (4) of subsection (c) by July 1, 2026.

(e) Beginning July 1, 2026, any party aggrieved by conduct

that violates subsection (c) may bring a civil lawsuit. This lawsuit must be brought no later than 2 years after the violation of subsection (c). If the court finds that a willful violation of paragraph (1), (2), or (3) of subsection (c) has occurred, the court may award actual damages. The court, as it deems appropriate, may grant, as relief, any permanent or preliminary negative or mandatory injunction, temporary restraining order, or other order.

(f) Nothing in this Section may be construed to require an exhaustion of the administrative complaint process before civil law remedies may be pursued.

(g) Upon a motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought under subsection (c). In awarding reasonable attorney's fees, the court shall consider the degree to which the relief obtained relates to the relief sought.

(h) The General Assembly finds and declares that this Section is a State law within the meaning of subsection (d) of Section 1621 of Title 8 of the United States Code.

(105 ILCS 5/27A-5)

(Text of Section before amendment by P.A. 102-466)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian,

nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. In all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. This limitation does not apply to charter schools existing or approved on or before April 16, 2003.

(b-5) (Blank).

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. A charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent.

(c-5) No later than January 1, 2021 or within the first year of his or her first term, every voting member of a charter

school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board.

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is

designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. The State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs, including, but

not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. The contractor shall not be an employee of the charter school or affiliated with the charter school or its authorizer in any way, other than to audit the charter school's finances. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; however, a charter school is not exempt from the following:

- (1) Sections 10-21.9 and 34-18.5 of this Code regarding criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Murderer

and Violent Offender Against Youth Database of applicants for employment;

(2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19, and 34-84a of this Code regarding discipline of students;

(3) the Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

(7) Section 10-17a of this Code regarding school report cards;

(8) the P-20 Longitudinal Education Data System Act;

(9) Section 27-23.7 of this Code regarding bullying prevention;

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

(12) Sections 10-20.60 and 34-18.53 of this Code;

(13) Sections 10-20.63 and 34-18.56 of this Code;

(14) Sections 22-90 and 26-18 of this Code;

(15) Section 22-30 of this Code;

(16) Sections 24-12 and 34-85 of this Code;

- (17) the Seizure Smart School Act;
- (18) Section 2-3.64a-10 of this Code;
- (19) Sections 10-20.73 and 34-21.9 of this Code;
- (20) Section 10-22.25b of this Code;
- (21) Section 27-9.1a of this Code;
- (22) Section 27-9.1b of this Code;
- (23) Section 34-18.8 of this Code;
- (25) Section 2-3.188 of this Code;
- (26) Section 22-85.5 of this Code;
- (27) subsections (d-10), (d-15), and (d-20) of Section 10-20.56 of this Code;
- (28) Sections 10-20.83 and 34-18.78 of this Code;
- (29) Section 10-20.13 of this Code;
- (30) Section 28-19.2 of this Code;
- (31) Section 34-21.6 of this Code;
- (32) Section 22-85.10 of this Code;
- (33) Section 2-3.196 of this Code;
- (34) Section 22-95 of this Code;
- (35) Section 34-18.62 of this Code;
- (36) the Illinois Human Rights Act; and
- (37) Section 2-3.204 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or

for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age

or grade level.

(k) If the charter school is authorized by the State Board, then the charter school is its own local education agency.

(Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; 103-605, eff. 7-1-24; 103-641, eff. 7-1-24; 103-806, eff. 1-1-25; revised 10-9-24.)

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(c-5) No later than January 1, 2021 or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of

professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board.

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non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

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Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

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(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) the Abused and Neglected Child Reporting Act;

(5.5) subsection (b) of Section 10-23.12 and

subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

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(20) Section 10-22.25b of this Code;

(21) Section 27-9.1a of this Code;

(22) Section 27-9.1b of this Code;

(23) Section 34-18.8 of this Code;

(24) Article 26A of this Code;

(25) Section 2-3.188 of this Code;

(26) Section 22-85.5 of this Code;

(27) subsections (d-10), (d-15), and (d-20) of Section

10-20.56 of this Code;

(28) Sections 10-20.83 and 34-18.78 of this Code;

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(30) Section 28-19.2 of this Code;

(31) Section 34-21.6 of this Code;

(32) Section 22-85.10 of this Code;

(33) Section 2-3.196 of this Code;

(34) Section 22-95 of this Code;

(35) Section 34-18.62 of this Code;

(36) the Illinois Human Rights Act; ~~and~~

(37) Section 2-3.204 of this Code; ~~and~~

(38) Section 22-105 of this Code.

The change made by Public Act 96-104 to this subsection (g) is declaratory of existing law.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the

use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

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6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; 103-605, eff. 7-1-24; 103-641, eff. 7-1-24; 103-806, eff. 1-1-25; revised 11-26-24.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.